

Applicant addresses below the Examiner's rejections stated in the last office action (non-final) dated August 13, 2001, and draws the Examiner's attention to the parallels between Applicant's specification and the '328 patent. In the event the Examiner is not persuaded, the undersigned respectfully requests a telephone interview with the Examiner to discuss the points at issue.

I. The rejection of claims 17-34 under 35 U. S. C. §112

The rejection is based largely on the absence of, "[h]ow to determine which network members are to receive said request for proposal..." Applicant respectfully submits that the selectivity is accomplished in Applicant's system by the "selectivity logic 47" (see FIGURE 2; page 24, line 18 and page 33, line 20). Examples of specific criteria for determining "[h]ow to determine which network members are to receive said request for proposal..." are set forth below with references to Applicant's specification.

- A. "Routing---may also take place between members of sub-groups or plural groups. Calls may be classified into types---a buyer soliciting proposals" (see page 7, lines 9-11).
- B. Calls may be limited to "qualified or registered entities" (see page 7, line 15).
- C. Requests may be offered in sequence to individual (subsets) (see page 8, line 8).
- D. Just as in the '328 Patent, selectivity may involve merchandise classifications, "buyer requests for proposals on select merchandise are transmitted only to vendors designated to sell the merchandise" (see page 12, lines 14-29).
- E. Also an autodialer may be employed by a buyer to communicate with network members (see page 15, line 24).

In view of the above-noted passages in the specification, Applicant respectfully submits that several exemplary conditions are set forth to determine a selection of vendors and based on such conditions, the selectivity is performed by logic 47 (FIGURE 2). Consequently, reconsideration of the rejection is respectfully requested.

Applicant urges a comment on the '328 patent claims that is deemed appropriate with regard to the terms "filtering" and "filter means" from the '328 patent claims. These terms are

discussed in the '328 patent, in column 5, beginning at line 17. Applicant raises this only in the interest of bringing to the Examiner's attention the underlying basis for these terms in the '328 patent.

Although the language in column 5, from line 17 to line 36 of the '328 patent is meaningful, some portions merit emphasis. For example, "*the filtering*" of the patented system is said to: "*simply involve limiting the network members to whom the RQF is given and/or to whom responses are given---*" (see, '328 patent, column 5, line 23). Such is precisely the operation described in Applicants' specification (see Applicant's specification, page 12, lines 27-29).

As an example of the selecting, limiting or filtering process, the '328 patent mentions: "*providing vendors varying categories of service which may require prioritizing the vendors according to a formula. In this way, by the category of service they chose, vendors may determine the percentage of RQFs they receive from a given number received by the quotation system.*" (see '328 patent, col. 5, lines 27-32)

The same type of selectivity is described in Applicant's specification, beginning on page 18, at line 34 and continuing through page 19, line 8. "*Merchandise codes*" are specifically discussed as one example of criteria for facilitating select or "*filtered*" communication.

Regarding the rejection of claim 32, Applicant submits that plural filtering conditions are defined by that claim. Claim 32 requires filtering both by the buyer and the vendor. Buyer filtering is described above. Regarding vendors as disclosed in the '328 patent, a vendor may filter out requests that are not "*for at least 1,000 pieces*" (see '328 patent, column 7, line 19). Also, vendors may "*deselect*" (see '328 patent, col. 5, line 13). Applicant's specification also states limitations that may be imposed, such as calls revealing one vendor's proposal to a competitor (see Applicant's specification, page 7, line 17). Other selectivity of buyers is detailed, as discussed in Applicant's specification (see Applicant's specification, page 7, lines 18-26).

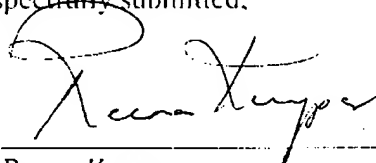
II. Rejections Under 35 U.S.C. §102 and §103

All the claims 20 through 34 (copied from the '328 patent, namely, claims 1-19) stand rejected based on prior art asserted under either 35 U.S.C. Section 102 or 35 U.S.C. Section 103. However, the rejection of these claims did not take into consideration the limitation of "filtering" as discussed above. Specifically, claims 20-27, 28, and 30-31 stand rejected under 35 U.S.C. 102 (c) and claims 17-19, 29, and 32-34 stand rejected under 35 U.S.C. 103.

It is strongly asserted that the so-called "filtering" limitation is clearly supported by the specification here, again as treated in detail above. As a consequence, such limitation clearly should be considered as distinguishing the art as applied. On that basis, reconsideration is respectfully requested with the view that an interference should be initiated on the basis of the claims in the application which correspond to claims in the '328 patent.

Respectfully submitted,

Dated: April 30, 2002

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